

**North Coast Regional Water Quality
Control Board**

**2004 TRIENNIAL REVIEW
STAFF REPORT &
WORKPLAN**

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FOR THE NORTH COAST REGION***

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I. EXECUTIVE SUMMARY

The *Water Quality Control Plan for the North Coast Region* (Basin Plan) designates beneficial uses for water bodies in the North Coast Region, and establishes water quality objectives and implementation plans to protect those beneficial uses. The terms “water quality objectives” and “beneficial uses” are referred to in federal law as “water quality standards.”

Both State and Federal laws mandate the periodic review and update of Basin Plan water quality standards. State law requires that State policy for water quality control and water quality control plans (basin plans) be reviewed periodically [California Water Code section 13143, section 13240]. Federal law [Clean Water Act section 303(c)(1)] requires that a state’s water quality standards be reviewed every three years, i.e., triennially. The periodic review of the Basin Plan referred to by State and federal law is commonly referred to as the “Triennial Review.”

Regional Water Board staff has completed the 2004 Triennial Review of the Basin Plan documented in this report. Section II, Introduction, summarizes the purpose of the Triennial Review and the process the Regional Water Board followed in soliciting public comments on the need to review and revise the Basin Plan. Section III, Triennial Review Process, describes the process the Regional Water Board used to evaluate and rank each issue submitted, and compile the *Prioritized 2004 Basin Plan Triennial Review Issue List*. This section also analyzes the PY and projects the dollar resources needed to investigate the issues and adopt basin plan amendments. Section IV, Results and Conclusions, explains how the issue rankings and resource estimates determined the *2004 Triennial Review Priority List and Work Plan*.

To formally complete the Triennial Review, the Regional Water Board must adopt Draft Resolution No. R1-2004-0071, *Resolution Approving the 2004 Basin Plan Triennial Review of the Water Quality Control Plan for the North Coast Region* and adopting the *2004 Triennial Review Priority List and Work Plan* (Table 1- Attachment 1 to the Resolution). This Resolution includes findings regarding the requirements for and the intent of the Triennial Review, relevant actions taken (public hearing, issues evaluated), and the prioritized list of issues to be investigated that may lead to Basin Plan amendments in the upcoming three years. As discussed above, the issues comprising the prioritized list of Basin Plan issues are those with the highest rankings, and for which dollar resources are available over the next three years to undertake and complete investigations of the issues.

The Regional Water Board reviewed the issues submitted by the public and the Regional Water Board. Duplicate issues were dropped and similar issues were combined. In total, 35 issues were evaluated and ranked to compile the *2004 Triennial Review Priority List and Work Plan*. Planning resources are available over the next three years to complete amendments and/or investigate the top 13 issues on the *2004 Triennial Review Priority List and Workplan* (Table 1). The three-year resource projection for basin planning is approximately \$295,737.00. Investigation of the first thirteen issues listed in Table 1 is projected to cost approximately \$386,100.00. Several projects are scheduled to be addressed with assistance from other programs (outside of Planning) within the Regional Water Board, and interested parties as noted in the last rows of the Table.

II. INTRODUCTION

The Water Quality Control Plan for the North Coast Basin (Basin Plan) designates beneficial uses for surface and ground waters in the North Coast Region, and establishes water quality objectives and implementation plans to protect those beneficial uses. The North Coast Regional Water Quality Control Board ((Regional Water Board) adopted its first interim basin plans in 1971. The Regional Water Board amended the Basin Plan numerous other times between 1975 and 1996. In 1975 a comprehensive *Water Quality Control Plan for the Klamath River Basin* and a comprehensive *Water Quality Control Plan for the North Coastal Basin* were adopted. These two separate Basin Plans were amended multiple times before 1988, when the Regional Water Board combined and updated the two comprehensive plans and their abstracts into a single Basin Plan. In 1993, the Regional Water Board again updated descriptions and corrected inaccuracies in the Basin Plan.

Both State and federal laws mandate the periodic review and update of basin plans. State law requires that State policy for water quality control and water quality control plans (basin plans) be reviewed periodically [CWC section 13143, section 13240]. Federal law [CWA section 303(c)(1)] requires that a state's water quality standards¹ be reviewed every three years, i.e., triennially. The periodic review is appropriately called the "Triennial Review." The primary purpose of the Triennial Review is to review water quality standards (i.e., water quality objectives and beneficial uses) and take public comment on issues the Regional Water Board should address in the future through the Basin Plan amendment process.

The Triennial Review is not a Basin Plan amendment in and of itself, but suggests and prioritizes items to be updated or included into the Basin Plan. During the Triennial Review process public comment is considered on what Basin Plan water quality issues the Regional Water Board should investigate over the next three years. The Regional Water Board develops and adopts a prioritized list of Basin Plan issues that may be investigated by the Regional Water Board over the next three years. The inclusion of an issue on the prioritized Triennial Review list of issues does not necessarily mean that any amendment will be made to the Basin Plan. The decision on whether or not to proceed with a Basin Plan amendment is only made after the Regional Water Board reviews the technical and legal considerations associated with an issue and determines that development of a Basin Plan amendment is appropriate for further consideration. The Triennial Review was initiated by public notice dated June 3, 2004, soliciting public comments on the need to review and revise the Basin Plan. Written comments on water quality standards or other Basin Plan issues were received during a thirty-three-day period beginning July 7, 2004, and closing August 9, 2004. The Regional Water Board also conducted public workshops on July 13 and July 15, 2004. A Notice of Public Hearing was mailed to all interested parties and to regionwide newspapers requesting publication on August 5, 2004. A copy of the minutes for these workshops and the Public Notices are available at the Regional Water Board Website at: www.swrcb.ca.gov/~rwqcb1

¹ The term "water quality standard" in the federal CWA section 303(c) refers both to designated beneficial uses and numeric and/or narrative criteria to protect those uses. Additionally, the U. S. Environmental Protection Agency (USEPA) considers an antidegradation policy to be part of a water quality standard.

A public hearing on the Triennial Review will be held October 6, 2004, (see Public Notice dated August 5, 2004; Appendix A). The purpose of the hearing is to receive any additional public comments or testimony on the Triennial Review. Following the close of the hearing, Regional Water Board staff will provide oral responses to any additional comments received during the hearing. Draft Resolution No. R1-2004-0071 may be revised, if necessary, to reflect the public comment and Regional Water Board direction.

This report includes a description of the methodology used by the Regional Water Board to evaluate and rank each issue, estimates of the time and staff resources needed to investigate the issue and to prepare a basin plan amendment, and a generalized ranking of the issues by priority.

The Priority List adopted by the Regional Water Board will direct the planning efforts of staff for the next three years. As staffing and budget allow, the Regional Water Board will consider each of the water quality issues identified on the Priority List for Basin Plan amendment. Subsequently, and separate from the Triennial Review process, the Regional Water Board will consider each proposed Basin Plan amendment using public hearings and the California Environmental Quality Act (CEQA) functional equivalent process. This will allow the Regional Water Board to consider each potential basin plan amendment on its own merits and to receive public input on specific issues.

Status of 2001 Triennial Review Issues

The number one priority on the 2001 Triennial Review, the Beneficial Use Amendment, was adopted by the Regional Water Board on June 24, 2003. The State Water Board adopted the amendment on June 17, 2004. The Amendment is now being forwarded by the State Water Board to the Office of Administrative Law (OAL) and U.S. EPA for review approval, respectively.

The second and third priority issues, the Regionwide Sediment Amendment and TMDL Action Plans for 303(d) listed waterbodies including the Albion, Big, and Ten Mile Rivers, are in process. The Regional Water Board will consider the Regionwide Sediment Amendment during a public hearing scheduled for the Board Meeting on November 29, 2004.

The Compliance Schedule Amendment, a portion of priority 4, was adopted by the Regional Water Board in March 2004 and will be considered by the State Water Board in October 2004.

III. THE TRIENNIAL REVIEW RANKING PROCESS

ASSIGNMENT OF PRIORITY RANKING

The issues that were initially determined to be a high priority were evaluated in order to determine their relative priority using best professional judgment to weigh considerations such as:

- ◆ What benefit the Regional Water Board would derive from a Basin Plan Amendment on the issue,
- ◆ The Regional Water Board's legal authority to adopt a Basin Plan amendment on the issue,

- ◆ The perceived level of public interest in the issue,
- ◆ Identified stakeholder/partnership resources (i.e. identified issues that included a commitment of stakeholder resources, are well thought out, and have public, Regional Water Board, SWRCB, and/or USEPA support),
- ◆ The geographic scale of the issue (i.e. affects single waterbody or waterbodies region wide),
- ◆ The significance of the water quality issue (i.e. issues that addressed aspects of water quality not found explicitly in the Water Code, and
- ◆ Improvement to the Basin Plan
- ◆ Conformance to the Regional Water Board mission statement.

The factors included a subjective assessment of the degree to which the issue addressed the core elements of an effective Basin Plan. These elements include accurate designation of beneficial uses, scientifically based water quality objectives and effective implementation plans and policies for achieving the water quality objectives (see Water Code Section 13050(j)).

Resource Estimates

A requirement of the Triennial Review process is to estimate the personnel year (PY) resources required to investigate and adopt Basin Plan amendments for the prioritized issues. Once calculated, the estimates were used to determine the number of issues from the prioritized list that could be investigated with existing resources over the next three-year period (October 2004 – October 2007). These issues as well as their resource estimates were compiled in the 2004 *Triennial Review Priority List and Work Plan* (Table 1). This Table is Attachment 1 to Draft Resolution R1-2004-0071. This section explains how the resource estimates were calculated.

Basin Plan Funding Allocation

The Regional Water Board is allocated approximately \$98,579.00 each fiscal year to evaluate and complete Basin Plan amendments. This dollar amount approximates 1.8 Personnel Years (PYs). The term “personnel years” refers to the actual or estimated portion of a position expended for the performance of work. For example, a full-time position, which was filled by an employee for one year, would result in an expenditure of 1.0 PY.

Resource Estimate to Evaluate Issues and Complete Basin Plan Amendments

The resource estimate for investigation and adoption of basin plan amendments for all issues prioritized during the 2004 Basin Plan Triennial Review greatly exceeds the resources allocated to the Regional Water Board for Basin Plan work activities. Based on the Regional Water Board’s \$98,579.00 (1.8 PY) per fiscal year funding allocation, the Regional Water Board will only have a total of \$295,737.00 (5.4 PY) to evaluate and complete Basin Plan amendments over the next three years. Accordingly the Regional Water Board will only be able to initiate work on the top thirteen issues on the 2004 *Triennial Review Priority List and Workplan* over the next three years. The Regional Water Board’s funding allocation and estimation for investigation and adoption of basin plan amendments are summarized in Table 1.

In order to determine reasonable resource estimates for the highest priority issues, two main elements were evaluated: 1) the complexity of each issue and 2) the steps necessary to successfully complete a basin plan amendment. A highly complex issue often requires more resources than a simpler, less complex issue.

The complexity of an issue was based on several factors including the amount of supporting data or information submitted or known to exist on the issue, the level of research required to understand the issue and formulate the appropriate Basin Plan amendment, the level of divergent public interest surrounding the issue, and professional judgment. Conversely, an issue of low complexity would require far less research, perhaps have less public controversy and involvement, and take less staff resources to go through the formal basin plan amendment adoption and approval process.

The steps necessary to successfully complete a Basin Plan amendment are lengthy. The steps are broken into three parts, investigation, Basin Plan amendment preparation, and Basin Plan amendment adoption. After a proposed Basin Plan amendment is developed, additional time is necessary to draft the amendment language and go through the formal basin plan amendment process, including preparation of documents for review and approval by the State Water Resources Control Board and the Office of Administrative Law. Table 1, *The 2004 Triennial Review Priority List and Workplan* estimates in the majority of cases, only indicates the level of effort necessary to take the amendment through the process to Regional Water Board adoption. In a few cases, the issue is only intended through the investigation phase as indicated within the footnotes to Table 1.

Triennial Review Issue Evaluation

In order to promote the most efficient use of the limited basin planning resources available, the Regional Water Board's approach over the next three years will be to work only on those issues identified by the Regional Water Board in Resolution No. R1-2004-0071. The issues will generally be addressed in sequential order and multiple issues may be grouped for consideration in a single Basin Plan amendment. If the Regional Water Board determines it should not proceed with a Basin Plan amendment on an issue, the remaining resources for that issue will be redirected to begin investigation work on the next highest ranked issue.

IV. RESULTS AND CONCLUSIONS

A total of thirty-five Basin Plan issues were reviewed during the 2004 Basin Plan Triennial Review. Twenty-nine of the issues were determined to be appropriate for a Basin Plan amendment or additional investigation and were prioritized. Planning resources are available over the next three years (October 2004 – October 2007) to investigate the top thirteen issues on the 2004 Triennial Review Priority List and Workplan (Table 1). The three-year resource projection for the first thirteen issues is \$386,100.00.

A total of twenty-nine issues were compiled in the *2004 Triennial Review Priority List and Workplan* and attached to Draft Resolution No. R1-2004-0071 (Appendix C) for consideration by the Regional Water Board. The resource projection for the majority of issues included the resources needed to prepare and adopt a Basin Plan amendment, and in a few cases investigate the issue as indicated on Table 1. Additional resources may be needed during the upcoming three-year period to work on other Basin Planning tasks, such as the new statewide Basin Planning Roundtable.

Staff recommends that the Regional Water Board adopt Resolution No. R1-2004-0071 following the Public Hearing scheduled for the October 6, 2004 Board Meeting.

